

this part, such producer will not be eligible to receive any payments applicable to the crop year for which the scheme or device was adopted.

(b) If any misrepresentation, scheme or device, or practice has been employed for the purpose of causing CCC to make a payment which otherwise would not make under this part:

(1) CCC will withhold all or part of the payment that would otherwise be due.

(2) All amounts paid by CCC to any such producer, applicable to the crop year in which the offense occurred, must be refunded to CCC together with interest and other amounts as determined in accordance with this part.

(3) CCC may impose such other penalties or administrative sanctions as authorized by section §1437.19.

(c) Scheme and device may include, but is not limited to:

(1) Concealing any information having a bearing on the application of the rules of this part;

(2) Submitting false information to the CCC or any county or state FSA committee; or

(3) Creating fictitious entities for the purpose of concealing the interest of a person in the farming operation.

§ 1437.17 Refunds to the CCC.

In the event that there is a failure to comply with any term, requirement, or condition for payment made in accordance with this part, or the payment was established as a result of erroneous information provided by any person, or was erroneously computed, all such payments or overpayments will be refunded to CCC on demand, plus interest determined in accordance with part 1403 of this chapter.

§ 1437.18 Offsets and assignments.

(a) Except as provided in paragraph (b), any payment or portion thereof to any person shall be made without regard to questions of title under State law and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor except agencies of the U.S. Government. The regulations governing offsets and withholdings found at part 1403 of this chapter shall be applicable to payments under this part.

(b) Any producer entitled to any payment may assign any payments in accordance with regulations governing assignment of payment found at part 1404 of this chapter.

§ 1437.19 Cumulative liability.

(a) The liability of any producer for any payment or refunds, which is determined in accordance with this part to be due to CCC will be in addition to any other liability of such producer under any civil or criminal fraud statute or any other statute or provision of law including, but not limited to, 15 U.S.C. 714; 18 U.S.C. 286, 287, 371, 641, 651, 1001, 1014; 15 U.S.C. 714m; and 31 U.S.C. 3729.

(b) All producers on the unit receiving payments under this part will be jointly and severally liable to repay any unearned payments under this part.

§ 1437.20 Appeals.

The appeal, reconsideration, or review of all determinations made under this part, except the eligibility provisions for crops, areas, or producers for which there are no appeal rights because they are determined rules of general applicability, must be in accordance with part 780 of this title.

§ 1437.21 Estates, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is otherwise eligible will be eligible for payments under this part only if such person meets one of the following requirements:

(1) The minor establishes that the right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and the applicable program documents are executed by the guardian; or

(3) A bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 1437.22

§ 1437.22 Death, incompetence, or disappearance.

In the case of death, incompetence or disappearance of any person who is eligible to receive payments under this part, such payments will be disbursed in accordance with part 18 of this title.

§ 1437.23 OMB control numbers.

These regulations amend the information collection requirements previously approved by the Office of Management and Budget (“OMB”) under OMB control number 0563–0016.

**PART 1439—EMERGENCY
LIVESTOCK ASSISTANCE**

Subpart—General Provisions

Sec.

- 1439.1 General statement.
- 1439.2 Administration.
- 1439.3 Definitions.
- 1439.4 Program availability.
- 1475.5 Owner eligibility.
- 1439.6 Eligibility for assistance.
- 1439.7 Adjustment of total benefits available.
- 1439.8 Disposition of feed.
- 1439.9 Payments.
- 1439.10 Termination and suspension of program.
- 1439.11 Maintenance of books and records.
- 1439.12 Liens and claims of creditors; setoffs.
- 1439.13 Assignments of payments.
- 1439.14 Limitation of authority.
- 1439.15 Appeals.
- 1439.16 Misrepresentation, scheme or device.
- 1439.17 Refunds to CCC; joint and several liability.
- 1439.18 Cumulative liability.
- 1439.19 Estates, trusts, and minors.
- 1439.20 Death, incompetence, or disappearance.
- 1439.21 Violations.
- 1439.22 Benefits limitation.
- 1439.23 Gross revenue limitation.
- 1439.24 Paperwork Reduction Act assigned numbers.

**Subpart—Livestock Preservation Donation
Program**

- 1439.101 General statement.
- 1439.102 Eligibility.
- 1439.103 Assistance.
- 1439.104 Feeding period.

**Subpart—Emergency Feed Assistance
Program**

- 1439.201 General statement.

7 CFR Ch. XIV (1–1–99 Edition)

- 1439.202 Sale of CCC-owned grain.

Subpart—Emergency Feed Program

- 1439.301 General statement.
- 1439.302 Cost-share assistance.

**Subpart—Crash Feed Grain Donation
Program**

- 1439.401 General statement.
- 1439.402 Assistance.
- 1439.403 Feeding period.

**Subpart—Prickly Pear Cactus Burning
Program**

- 1439.501 General statement.
- 1439.502 Definitions.
- 1439.503 Eligibility.
- 1439.504 Assistance.

**Subpart—Emergency Feed Grain Donation
Program (EFGDP)**

- 1439.601 General statement.
- 1439.602 Assistance.

**Subpart—Foundation Livestock Relief
Program (FLRP)**

- 1439.701 General statement.
- 1439.702 Assistance.

Subpart—Livestock Indemnity Program

- 1439.800 [Reserved]
- 1439.801 Applicability.
- 1439.802 Administration.
- 1439.803 Definitions.
- 1439.804 Sign-up period.
- 1439.805 Proof of loss.
- 1439.806 Indemnity benefits.
- 1439.807 Availability of funds.
- 1439.808 Misrepresentation, scheme or device.
- 1439.809 Limitations on payments and income.
- 1439.810 Refunds to CCC; joint and several liability.

**Subpart—American Indian Livestock Feed
Program**

- 1439.900 [Reserved]
- 1439.901 Applicability.
- 1439.902 Administration.
- 1439.903 Definitions.
- 1439.904 Region.
- 1439.905 Responsibilities.
- 1439.906 Program availability.
- 1439.907 Eligibility.
- 1439.908 Payment application.
- 1439.909 Payments.
- 1439.910 Program suspension and termination.
- 1439.911 Appeals.
- 1439.912–1439.915 [Reserved]